

*Cautiōary Advice to the Livery-men of London: With some
Thoughts on the Proceedings at the last Common-Hall, Tuesday July 2. 1695.*

Gentlemen,

Godfry Webster Esq; and Sir Leonard Robinson Kt. Persons of known Ability and Loyalty to the Government, being on *Midsummer-Day* last duly Elected for Sheriffs of the City of *London* and County of *Middlesex* for the Year ensuing:

On Tuesday *July* the 2d following, at a Common-Hall then summoned, it was declared there by the Recorder, that *Godfry Webster Esq; and Sir Leonard Robinson Kt.* had been discharged upon Payment of Four Hundred and odd Pounds each; therefore that Common-Hall was summoned to go to a new Election of two Sheriffs: Whereupon the Citizens judging they could not legally proceed to a new Election till this Question following was first put up, and answered by the Votes of the Common-Hall, the Citizens desired it might be put up; but it was refused by the Officers that managed the Common-Hall; the Citizens generally continuing in demanding and insisting to have it put up for about two Hours: after which that Common-Hall was dissolved.

The Question was as followeth, *viz.*

“All you that do adhere to your former Election of *Godfry Webster Esq; and Sir Leonard Robinson Kt.* to be Sheriffs of *London* and County of *Middlesex* for the Year ensuing, Hold up your Hands.

Fellow-Citizens, How warrantable the raising Money by Fines may be will mostly concern those that practise it, to consider whether it may not be interpreted a Sort of *Bribery*, to take Four Hundred Pounds for the taking off a Burden from one Man's Shoulders to lay it on another's, especially at this time when the Honourable House of Commons have so exemplarily punish'd some, and are in pursuit of others for such Matters. It may further concern these Men to consider, whether the Act 7 *Car.* 1. be not utterly annull'd and made void by the large Charter of *Charles* the Second, and the Act of Parliament for restoring to the Citizens all their Charters, Free-Customs, Rights and Privileges entire. Tho some have in scorn term'd the Common-Hall a *Mob*, yet it is remembred by many Citizens, that the two Lord Chief Justices, *Sir Henry Pollexfen*, and *Sir George Treby*, when of Counsel for the Citizens, in Defence of their Charter against the *Quo Warranto*, (where the King's Counsel strongly insisted on an Act of Common-Council for raising Money, which they would have made a Corporate Act) did learnedly argue and shew, that an Act of Common-Hall was an Act of the highest Authority in *London*; and that the Court of Aldermen, the Court of Common-Council, &c. were only Courts to particular Purposes, and Creatures framed out of that great Body the Common-Hall, and were punishable for their own Faults; and that no Act of theirs could cause a Forfeiture of the Charter: But if the Act had been made in Common-Hall, where the Members of these particular Courts, or Creatures, do all again return into the great Body of the Common-Hall, and so the Act had become the Act of the whole, then there might have been some colour for a Forfeiture. Thus argued those two learned Lawyers. It may not be amiss to mention the Case of *Methusala Turner*, in 1670, he then standing for a Bridgmasier's place at a Common-Hall, and demanding a Poll, which was granted; but before it was finished, *Sir Samuel Starling* being then Mayor dissolved the Common-Hall; *Turner* lost his Place, and brought his Action against the Mayor; it was tried in *London* by a Jury of Free-Men: the ground of the Action was, whether the Mayor had Power to dissolve the Common-Hall without the Consent of the Majority of the Members; whereupon *Turner* had a Verdict against the Mayor: The Mayor moves for an Arrest of Judgment in the *Common-Pleas*, where it was argued several Days, and Judgment given against the Mayor. Afterwards the Mayor removed it to the *King's-Bench*, by Writ of Error, where Judgment was affirm'd against the Mayor, and he was condemned to pay *Turner* his Costs and Damages: That Learned Judge, *Sir Matthew Hale*, saying, that if the Mayor should have Authority to dissolve the Common-Hall, without the Consent of the Majority of the Members thereof, it would directly tend to subvert all the Privileges of this Great and Famous City. From this may be considered, whether the Common-Council, who are sworn to maintain and defend the Free-Customs, Rights and Privileges of the Citizens, (and as the *Ld Coke* saith, have Power to make Orders for the better putting in execution the Laws of the Land) have done wisely in the Act for regulating the Common-Hall. The Custom of *Gavel-kind* is a Law in *Kent*; the Free-Customs of *London* are a Law here, and as such are part of the Common-Law of *England*, and not to be abridged, altered or changed but by Parliament, and not by any other Authority.

Now, *Fellow-Citizens*, The safest and most prudent Course is to put no Act in Execution that is not plainly warranted by the Law of the Land, much less any that is against it, as several Acts of Common-Council are that now stand unrepealed: And as the Act of 7 *Car.* 1. hath this further ill Consequence, to haras the Citizens with unnecessary, grievous and hazardous Attendances upon multiplied Common-Halls; it was observed the last Year, as well as this, that the principal Promoters of Fines were the same Men that formerly had been mainly instrumental in imposing on the City Illegal Sheriffs, whence followed pack'd Juries, the Consequents whereof were the barbarous Murders of my Lord *Russel*, Col. *Sidney*, Alderman *Cornish*, &c. and the exorbitant Fines and illegal Imprisonments of great Numbers of the Nobility, Gentry, and the best of the Citizens. These Men would do well to consider what they could have said for themselves, had they been proceeded against for their Irregularities and Crimes, if Judgment had passed on them before the General Pardon: It likewise concerns all Honest Loyal Citizens, carefully to look to their just Rights and Privileges, that they come not again into these Mens Hands, and so worse things happen to them. Be not unmindful what Answers were returned you last Year, by some Aldermen whose Zeal for the good of the City you doubt not; Why so many elected Sheriffs were discharged, and the Citizens wearied with so many Common-Halls and Disturbances? They answered you, they were vexed also, but could not help it, they were out-voted, and that by such as seldom attended for any other City-Affairs. You will not sure be unmindful of what great moment it is to give diligent Attendance at the Common-Hall, and there unanimously to adhere to and assert your former Election, so duly and regularly made by Vote and Poll, and with more than ordinary Attendance and loss of Time. If you let go this your Legal Choice of two so very well qualified Sheriffs, as *Godfry Webster Esq; and Sir Leonard Robinson Kt.* you can scarcely discharge your Conscience or Oaths, as Freemen and Citizens, whose Rights and Privileges you are bound to maintain, by all just and lawful Ways. 'Tis an Old Saying, *Possession is eleven Points of the Law*, (besides which you have the Point of Right on your side;) you are in Possession of your next Year's Sheriffs, and none can hinder you from them but your own Selves, by remissness to appear and adhere to your Choice.